



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 18, 1998

Ms. Tenley A. Aldredge  
Assistant County Attorney  
Travis County  
P.O. Box 1748  
Austin, Texas 78767

OR98-1961

Dear Ms. Aldredge:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID#118098.

The Travis County District Attorney's Office (the "district attorney") received a request for all information relating to cause number 97-5345. You have released some of the requested information. However, you contend that the remaining requested information is excepted from public disclosure by sections 552.101, 552.108, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

First, you assert that section 552.130 excepts a driver's license number in exhibit A from public disclosure. Section 552.130 of the Open Records Act governs the release and use of information obtained from motor vehicle records. Section 552.130 provides as follows:

(a) Information is excepted from [required public disclosure] if the information relates to:

- (1) a motor vehicle operator's or driver's license or permit issued by an agency of this state;
- (2) a motor vehicle title or registration issued by an agency of this state; or

(3) a personal identification document issued by an agency of this state or a local agency authorized to issue an identification document.

You must withhold the driver's license number in exhibit A under section 552.130.

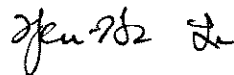
Next, you contend that section 552.108(a)(3) excepts exhibit B from public disclosure. Section 552.108, the "law enforcement exception," provides in part:

(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: . . . (3) it is information that: (A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or (B) reflects the mental impressions or legal reasoning of an attorney representing the state.

You state that the materials in exhibit B are documents that constitute the work product of the district attorney's office. You explain that the documents were created by an attorney and the information "reflects the mental impressions or legal reasoning of the prosecutor handling this case in that it reflects the prosec[u]tor's legal theories and conclusions as to what issues were important in the case." Upon review of the information submitted in exhibit B, we conclude that most of the information was either prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation, or represents the mental processes or legal reasoning of an attorney representing the state. Therefore, except for the information we have marked, you may withhold the remaining information in exhibit B under section 552.108(a)(3).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/nc

Ref.: ID# 118098

Enclosures: Marked documents

cc: Ms. Jill Grant  
Legal Assistant  
The Onstad Law Firm  
907 Ranch Road  
620 South, Suite 302  
Austin, Texas 78734-5609  
(w/o enclosures)